BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In the matter of	)	
	)	CC Docket No. 95-116
Telephone Number Portability	)	RM 8535

FURTHER REPLY COMMENTS OF
TIME WARNER COMMUNICATIONS HOLDINGS, INC.

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ATTORNEYS FOR TIME WARNER COMMUNICATIONS HOLDINGS, INC.

April 5, 1996

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Time Warner Communications Holdings, Inc. ("TWComm") hereby files its Further Reply Comments in the above-referenced proceeding.

I. INTRODUCTION AND SUMMARY

The record in this proceeding fully supports the conclusion that true service provider number portability is technically feasible. All LECs are therefore obligated to provide true number portability under Section 251(b)(2) of the Communications Act "in accordance with requirements prescribed by the Commission."[1] The Commission should prescribe requirements in this proceeding that include deployment by December 31, 1997.

II. THE RECORD OVERWHELMINGLY SUPPORTS THE TECHNICAL FEASIBILITY OF TRUE SERVICE PROVIDER PORTABILITY

Section 251(b)(2) requires that LECs provide true service provider number portability if it is technically feasible to do so. The record in this proceeding clearly demonstrates that the

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[1] 47 U.S.C. § 251(b)(2).

service is in fact technically feasible.[2] Even incumbent LECs have agreed that this is true. Thus Ameritech states that it,

> believes that the Commission can prescribe its requirements for implementation of long term number portability under the Act based upon the record already developed in this proceeding, as supplemented by this round of further comments.[3]

Many LECs that are not willing to admit as much still conspicuously avoid making the groundless claim that service provider portability is technically infeasible.[4]

Indeed, only three of the parties to this proceeding (Pacific Bell, GTE, and NYNEX) actually claim that true service provider number portability is technically infeasible.[5] The

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[2] Both LECs and their potential competitors have supported this conclusion. See Comments of Sprint at 2, 3 (LRN is technically feasible; "[i]nsofar as Sprint is aware, no party has challenged the 'technical feasibility' of the LRN proposal"); Comments of Ameritech (stating that the record supports adoption of LRN as the national number portability "template" in the current proceeding); Comments of Teleport at 4 (service provider number portability "is technically feasible now"); Comments of MFS at 3 (number portability is feasible); Comments of Association for Local Telecommunications Services ("ALTS") at 8 (FCC must "[a]cknowledge that full number portability is technically feasible now via the LRN approach adopted by Georgia and New York"); Comments of Cox at 8 ("true number portability is technically feasible"). See generally Comments of AT&T (LRN meets all of the requirements Section 251(b)(2)); Comments of MCI (same).

[3] Comments of Ameritech at 2. See also Comments of Sprint at 2, 3.

[4] See Comments of BellSouth, Comments of SBC Communications; Supplemental Comments of Bell Atlantic.

[5] BellSouth also strongly implies that true service provider portability is technically infeasible, but it does not offer any specific basis for this intimation. See Comments of BellSouth at 7.

following brief examination of the stated bases for this assertion reveals that it is baseless:

- NYNEX claims that location routing number ("LRN") "does not ensure the continued viability of services that are available to customers today such as the proper operation of features like Automatic Recall and Automatic Callback." and that the SS7 infrastructure cannot support the level of routing required to process these and other signalling-related features.[6] This is simply not true. The industry representatives at the Illinois Commerce Commission ("ICC") number portability workshop addressed and solved these exact issues in the Generic Switching and Signalling Requirements for Number Portability.[7]

- NYNEX also asserts that LRN fails to address "the number portability issues surrounding Operator Services, especially those utilizing the LIDB (Line Information Database)."[8] Again, these issues were specifically addressed and resolved in the ICC workshop.[9]

- NYNEX further emphasizes the need to choose a Service Management System and to build a database, implying that

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[6] See Comments of NYNEX at 5, 5 n.6.

[7] See Illinois Number Portability Workshop Generic Switching and Signalling Requirements for Number Portability, Requirements 730-780 (February 12, 1996) (establishing generic requirements for Automatic Recall and Automatic Callback). See generally id. (addressing the general viability of the SS7 infrastructure in an LRN environment). The ICC Workshop Switching and Signalling Requirements can be downloaded from Ameritech's internet address at http://www.ameritech.com/documents.

[8] Comments of NYNEX at 5.

[9] See Illinois Number Portability Workshop Generic Operator Services Switching and Signalling Requirements for Number Portability; Generic Requirements for SCP Application and GTT Function for Number Portability. The ICC Workshop Generic Requirements for SCP Application and GTT Function can be downloaded from Nortel's internet address at http://www.nortel.com/lnp.

this process will delay implementation.[10] The company also points to the supposed uncertainty as to whether a database architecture would be implemented on a state, regional or national basis.[11] This is empty rhetoric. There is no reason why database administration issues should delay implementation of number portability since they can be easily handled concurrently with (and completed before) the implementation of true service provider portability. Indeed, industry representatives have already made significant progress on this issue. Moreover, there is a virtual consensus that databases will be deployed on a regional, rather than a national basis.

- NYNEX claims that operations, administration, maintenance and provisioning procedures[12] do not exist for LRN.[13] As explained by Dan Engleman in the Declaration attached to TWComm's Further Comments, these issues do not relate to the technical feasibility of true service provider portability.[14] They merely comprise the terms under which interconnected networks communicate in a number portability environment (e.g., how a CLEC requests that an incumbent LEC's subscriber be changed over to the CLEC). Nonetheless, these issues are being resolved in the ICC workshop. The ICC Maintenance and Provisioning requirements are scheduled to be adopted in final form by the ICC workshop by June 30 and August 31 respectively.[15]

- In addition to the general statements regarding Operations Systems made by NYNEX, GTE cites two specific Operations issues (how a service provisioning system will assign a number for a new service request and how a trouble report will be linked to the provider serving

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10 See Comments of NYNEX at 6.

11 See id. at 6 n.7.

12 GTE makes the same assertion citing the need for ordering, provisioning, maintenance and service testing. See Comments of GTE at 6.

13 See Comments of NYNEX at 6. GTE also asserts that "[b]efore LRN can be deemed a viable option, Operations Systems impacts must be identified and addressed."

14 Declaration of Danny G. Engleman at 2.

15 See id.

that number) that it argues must be resolved. Again, neither of these issues relates to technical feasibility. Nevertheless, in the interest of eliminating any doubt about the matter, it should be noted that these issues are readily solvable. First, carriers can (and will) address the provisioning of a new service request simply by not treating numbers ported out of a switch as vacant. This requires a simple modification and it eliminates the supposed danger that two subscribers will be assigned the same number. Second, linking a trouble report to the provider serving a particular number has already been accomplished in Illinois through the use of a Voice Response Unit. A similar solution will probably be adopted elsewhere.

- GTE also argues that service billing and other billing services must still be addressed for LRN. But the requirements for the creation of billing records have already been created for LRN and the formats have been approved by Bellcore. Each carrier must be responsible for the manner in which these requirements are implemented in their own networks. Any other approach would require an intrusive and unnecessarily slow analysis of each carrier's network.

- GTE's final argument is that "maintaining a 'seamless' network through the interworking of portability 'islands'" has not yet been addressed. This is again beyond the scope of technical feasibility. There is no doubt, though, that all carriers will have a strong business incentive to ensure interoperability. Since LRN is quickly emerging as the industry standard, carriers will have the incentive to adopt this technology. Indeed, the Commission should suggest that carriers do just that.

- Pacific Bell asserts that "[f]ailure of the portability database in a [sic] LRN environment, while highly unlikely, could impair or prevent processing of all calls (ported or not) traversing switches controlled by the affected SCPs." [16] This is simply not so. Under ICC Workshop Switching Requirement number 230, in the "highly unlikely" event that a portability database does fail, calls to nonported numbers will still route correctly.[17]

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[16] Further Comments of Pacific Bell at 9-10.

[17] See Illinois Number Portability Workshop Generic Operator Services Switching and Signalling Requirements for Number Portability, Requirement 230.

Thus, the parties still clinging to the notion that true service provider portability is technically infeasible do not (and cannot) provide any support for the proposition. Most of the particular issues to which they refer do not even relate to technical feasibility. Even assuming they were relevant, they have either been resolved or are clearly resolvable. Moreover, the issues raised that are relevant to technical feasibility have all been resolved. This is unsurprising, however, since the fundamental purpose of such arguments is not to make constructive contributions to the debate, but to delay the process with overstated technical arguments.[18]

Finally, several LECs try to argue that the Commission should consider the cost of implementation as part of its consideration of technical feasibility.[19] But as TWComm demonstrated in its Further Comments, the Commission does not

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[18] In this regard, it is not surprising that NYNEX seems to think that First Office Availability for LRN will take place in mid-1997. See Comments of NYNEX at 4 n.3. In fact, under the ICC plan, LRN will be generally available for purchase by that time.

[19] See Further Comments of the United States Telephone Association at 4 ("[t]he question of whether a particular LEC is technically capable of deploying the long-term number portability solution necessarily involves questions of whether the LEC is capable of making the investments necessary"); Comments of GTE at 4-5 ("cost and timing considerations cannot be separated from the concept of technical feasibility").

have the discretion under Section 251(b)(2) to delay the implementation of number portability because it costs too much.[20]

III. THE COMMISSION MUST ESTABLISH A DEPLOYMENT SCHEDULE NOW.

Since true service provider portability is technically feasible, the Commission must establish an implementation schedule that ensures deployment by no later than December 31, 1997, months after the deadline established by the ICC for the Chicago MSA. As TWComm explained in its Further Comments, this schedule should include federal deadlines which are implemented by state regulatory commissions.[21]

The Commission should not delegate number portability to an industry forum such as the Industry Numbering Committee ("INC"), or the North American Numbering Council ("NANC"), as several LECs

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20 See Further Comments of TWComm at 3-5. Moreover, implementation will not be overly burdensome. TWComm has estimated that, based on extremely conservative assumptions, the cost of implementing LRN in Chicago MSA-1 over five years is $3.54 per line per year, or $.29 per line per month. See TWComm Ex Parte Presentation in CC Docket 95-116, RM 8535, February 12, 1996 at 6.

21 See Comments of TWComm at 8-10. It should be noted that, while NYNEX claims that number portability will require the telco to upgrade "many thousands of central office switches," NYNEX Comments at 6, TWComm's implementation plan contemplates a much more focused initial deployment. Under the TWComm plan, states would require deployment only where competition is likely to develop. Subsequent bona fide CLEC requests for deployment would then trigger a separate implementation schedule. In addition to limiting the required initial investment for the large incumbent LECs, this approach to implementation would also minimize the impact of number portability on rural LECs that are unlikely to face competition in the near future.

recommend.[22] This is simply another delay tactic. First, there is no need to delegate responsibility to solve issues that the industry has already dealt with and will continue to deal with effectively in state proceedings. Second, as NYNEX and others well know, any such forum for review would drag out implementation by months or even years. INC's number portability work illustrates the point. It is now almost three years since INC issued its initial Mission Statement in 1993, and INC still has not yet issued its final description of the technical issues relating to number portability, let alone any resolution of those issues. By contrast, the Illinois workshop first started work in 1995, and has already chosen a solution, solved all of the relevant technical issues and established a deployment schedule.[23]

Indeed, it is critical that the Commission resist the temptation to delay this issue with further needless study. The states that have actively promoted number portability have proven that they are more than able to oversee expeditious and careful

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22 See Comments of NYNEX at 4 n.3 (recommending that either INC or the NANC develop a technically feasible solution); Comments of BellSouth at 7-9 (recommending that the FCC establish an industry task force to recommend a long term number portability solution); Comments of GTE at 9 (recommending that the FCC "direct INC or ICCF to develop agreements and procedures by a specific date for interworking between portability and adjacent non-portability areas").

23 Nor does the NANC promise to be remotely appropriate for these purposes. Indeed, the Commission has not yet even appointed members to the NANC.

implementation. Furthermore, unnecessary delay would only likely diminish the Commission's ability to require deployment of true service provider portability as a condition to BOC in-region interLATA entry.

Finally, in implementing its schedule for number portability, the Commission must be sure to require incumbent LECs to provide the "interim" number portability that causes the least impairment in quality, reliability and convenience possible until true service provider portability is available. Although many states have diligently worked to establish just such a state-wide requirement, a federal mandate to this effect would obviate the need for all states to duplicate such proceedings.

IV. THE COMMISSION SHOULD RESOLVE COST RECOVERY ISSUES IN THIS PROCEEDING.

Several parties have suggested that the Commission establish a separate proceeding for the determination of cost recovery issues.[24] This approach is unnecessary. The parties to this proceeding have already debated cost recovery adequately, and the record is entirely sufficient on this issue.

Moreover, the statutory requirement that the costs of number portability be recovered in a "competitively neutral" manner does not require further examination of the issue.[25] TWComm and other parties have advocated a simple solution to cost recovery

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[24] See, e.g., Further Comments of Ameritech at 2-3.

[25] See 47 U.S.C. § 251(e)(2).

throughout this proceeding which is fully consistent with that statutory mandate. Under TWComm's plan, all carriers should recover their own costs of implementation (as they do the cost of other infrastructure upgrades) and common costs are recovered from carriers on a market share basis (defined by the percentage of total lines subscribing to a carrier's service). The Commission need not expend limited administrative resources on a separate cost recovery proceeding when this optimal solution has been advocated since the Commission's Notice of Proposed Rulemaking in number portability.

V. CONCLUSION

The Commission should find, based on the record in this proceeding, that number portability is technically feasible, and it should establish a deployment schedule and cost recovery scheme in this proceeding consistent with these Comments.

Respectfully submitted,

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